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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,025	04/12/2001	Yoshiyasu Kubota	SONYJP 3.0-154	5235
7590	12/12/2006		EXAMINER	
LERNER, DAVID, LITTENBERG KRUMHOLZ & MENTLIK, LLP 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090-1797				SCHNEIDER, JOSHUA D
		ART UNIT		PAPER NUMBER
		2182		

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/834,025	KUBOTA, YOSHIYASU
	<b>Examiner</b>	<b>Art Unit</b>
	Joshua D. Schneider	2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 September 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 and 10-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 10-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/19/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 6, 11, and 16, have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant has amended the claims to include a new limitation. The new limitation includes providing an add-on register in the electronic device, the add-on register being coupled to the register through a system control circuit, the system control circuit being operable to supply a control signal for driving a memory controller connected to the register. This new limitation is addressed in the new rejections as amended below.

### ***Claim Objections***

4. Claim 11 is objected to because of the following informalities: the claim includes the language "having coupled" instead of the more grammatically correct language "being coupled" used in all other independent claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-7 and 10-19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. With regards to claims 1, 6, 11, and 16, it is unclear what the scope of the term add-on register is. The claims all include a new limitation of providing an add-on register in the electronic device, or something substantially similar, and some structural interconnection requirements. However, there is nothing in the claims that discloses any particular functionality that is associated with this register. It is unclear if the label “add-on” is intended to incorporate any functionality or if the term is simply a label to differentiate the add-on register from “a register” in the first limitation of the claim. The claims will be treated in its broadest scope, where the term is simply a label.

8. Claims 2-5, 7, 10, 12-17, 18, and 19, are rejected for incorporating the same indefinite subject matter as the independent claim upon which they depend.

9. All further objections and rejections are made in light of the specification as best understood in light of the previous objections and rejections.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,164,549 to Richards in further view of U.S. Patent 6,213,392 to Zuppich.

12. With regards to claim 16, Richards teaches providing a removably connected electronic device (Fig. 2), having a register (memory, Fig. 3, element 110), having a write area and a read area (Fig. 1, and column 4, lines 42-65). Richards then teaches the reading of a code of a function (Fig. 7, and Fig. 5A, element 510, and column 7, lines 19-61). Richards also teaches detection of a requested function, by the comparing the function to the code of the function to be loaded with the functions already loaded in the electronic device (Fig. 5A, elements 520-531, and column 7, lines 19-61). This comparison is used to determine if the function is installed or not installed in the electronic device (Fig. 5A, elements 520-531, and column 7, lines 19-61). Richards does not explicitly teach a read and write are in the register (memory). However, it would have been obvious to one of ordinary skill in the art at the time of invention that the memory must have read and write areas in order to receive the new function command and compare the command against the directory of functions already in the card. Richards does not explicitly teach providing an add-on register in the electronic device, the add-on register being coupled to the register through a system control circuit, the system control circuit being operable to supply a control signal for driving a memory controller connected to the register. However, it is inherent to Richards that there must be at least one other register in the device to hold the data to be compared in the comparing operation and the operation code for doing the comparing operation. This code must be coupled to the register holding the data to be used in the comparing operation through the system control circuit the implements the control operation. A memory controller connected to the register for receiving the control signal (read signal) is also inherent to the system, or the system would not be able to read anything from the memory. Zuppich teaches a main unit that reads a data string from an IC card and compares this data

string to a stored cased application string, to identify the card application. If the application is matched, it is executed, and if it does not match, an error message identifying the command as uninstalled (unsupported) is returned (see Fig. 7, and claims 3-5). It is explicit that the codes represent functions, and inherent that these functions are associated with different devices, or there would be no need to check for them. It would have been obvious to combine the function code checking of Richards with the function code matching of Zuppich in order to identify the limitations of the card with respect the requested reader functions.

13. With regards to claim 17, Richards teaches a list of codes of the functions (directory, column 5, lines 6-67). Richards does not explicitly teach the list being at a predetermined address. It would have been obvious to one of ordinary skill in the art at the time of invention that the list of codes of the functions would have to have been at a predetermined address for it to be accessed by the card operating system and the reader.

14. Claims 1-7 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,164,549 to Richards in further view of U.S. Patent 6,213,392 to Zuppich and U.S. Patent 6,901,299 to Whitehead et al.

15. With regards to claims 1, 6, and 11, Richards teaches providing a removably connected electronic device (Fig. 2), having a register (memory, Fig. 3, element 110), having a write area and a read area (Fig. 1, and column 4, lines 42-65). Richards then teaches the reading of a code of a function (Fig. 7, and Fig. 5A, element 510, and column 7, lines 19-61). Richards also teaches detection of a requested function, by the comparing the function to the code of the function to be loaded with the functions already loaded in the electronic device (Fig. 5A, elements 520-531, and column 7, lines 19-61). This comparison is used to determine if the

function is installed or not installed in the electronic device (Fig. 5A, elements 520-531, and column 7, lines 19-61). Richards does not explicitly teach a read and write area in the register (memory). However, it would have been obvious to one of ordinary skill in the art at the time of invention that the memory must have read and write areas in order to receive the new function command and compare the command against the directory of functions already in the card. Richards does not explicitly teach providing an add-on register in the electronic device, the add-on register being coupled to the register through a system control circuit, the system control circuit being operable to supply a control signal for driving a memory controller connected to the register. However, it is inherent to Richards that there must be at least one other register in the device to hold the data to be compared in the comparing operation and the operation code for doing the comparing operation. This code must be coupled to the register holding the data to be used in the comparing operation through the system control circuit the implements the control operation. A memory controller connected to the register for receiving the control signal (read signal) is also inherent to the system, or the system would not be able to read anything from the memory. Zuppich teaches a main unit that reads a data string from an IC card and compares this data string to a stored cased application string, to identify the card application. If the application is matched, it is executed, and if it does not match, an error message identifying the command as uninstalled (unsupported) is returned (see Fig. 7, and claims 3-5). It would have been obvious to combine the function code checking of Richards with the function code matching of Zuppich in order to identify the limitations of the card with respect the requested reader functions. It is explicit that the codes represent functions, and inherent that these functions are associated with different devices, or there would be no need to check for them.

However, neither Richards nor Zuppich teach the association of different types of devices, unless we consider the devices to be different types because of different loaded functions. Whitehead teaches that it was well known in that art at the time of invention to associate functions with the type of device (column 19, lines 21-53). It would have been obvious to one of ordinary skill in the art to use the function and device type association of Whitehead with the function identification of Richards and Zuppich in order to ease the loading of functions by using control register function code groups.

16. With regards to claims 2, 7, and 12, Richards teaches a list of codes of the functions (directory, column 5, lines 6-67). Richards does not explicitly teach the list being at a predetermined address. It would have been obvious to one of ordinary skill in the art at the time of invention that the list of codes of the functions would have to have been at a predetermined address for it to be accessed by the card operating system and the reader.
17. With regards to claims 3 and 13, Richards teaches the determination of a function to be executed after accessing the list at the predetermined address (column 7, lines 19-61).
18. With regards to claims 4 and 14, Richards teaches the determination of a function to be executed after accessing the list at the predetermined address (Fig. 5A, column 7, lines 19-61). Richards teaches a list of codes of the functions (directory, column 5, lines 6-67). Richards does not explicitly teach the list being at a predetermined address. It would have been obvious to one of ordinary skill in the art at the time of invention that the list of codes of the functions would have to have been at a predetermined address for it to be accessed by the operating system.
19. With regards to claims 5, 10, and 15, Richards teaches the enablement of the execution of a function after the determination (column 7, lines 19-61).

20. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,164,549 to Richards as applied to claims 1-7 and 10-17 above, and further in view of U.S. Patent 6,574,677 to Song et al. Richards fails to teach the activation of a driver and the driver enabling the function to be executed. Song teaches the use of a driver for the configuration of the communication method to enable the use of a smart card (column 2, lines 18-25). The use of drivers to establish communication with storage media in media reading devices is common in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the function determination of Richards with the driver enablement of Song to create a reader that can properly interface with media cards in a safe, secure, and reliable manner.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDS



KIM HUYNH  
SUPERVISORY PATENT EXAMINER

12/8/05